(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH
AT BILASPUR

CIVIL REVISION NO./62 OF 2003

APPLICANTS
PLAINTIFFS

1. Smt. Phoolkali Bai, Wd/o Prahlad Prasad Gupta, aged about 60 years, R/o Village Farhadi, Tahsil Mungeli District Bilaspur (C.G.)

2. Ramlochan S/o Late Prahlad Prasad Gupta, aged about 52 years, R/o Village Takhatpur District Bilaspur (C.G.)

3. Ramkumar S/o Late Prahlad Prasad Gupta, aged about 49 years, R/o Village Tilda District Raipur (C.G.)

4. Rajendra Kumar S/o Late Prahlad Prasad Gupta, aged about 46 years, R/o Village Mungeli Distt. Bilaspur (CG)

5. Harendra Kumar S/o Late Prahlad Prasad Gupta, aged about 44 years, R/o Village Farhada Tahsil Mungeli Distt. Bilaspur (Chhattisgarh)

6. Roshni Bai, W/o Shatruhan Lal, aged about 40 years, R/o Village Mohgaon, Tahsil Pandariya, presently in Distt. Kawardha, earlier District Bilaspur (Chhattisgarh)

P. R. No. 4557/03
Presented by Shri Jitendra Shrivastava
dated 28.02.03

VERSUS

RESPONDENT
DEFENDANT

1. Bhanwar Lal S/o Sambhag Mal Kotadia, aged about 55 years, R/o Gandhi Ward Mungeli, Tahsil Mungeli, Distt. Bilaspur (Chhattisgarh)

CIVIL REVISION UNDER SECTION 115 OF CODE OF CIVIL PROCEDURE

XI-HC-22

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R. 162/03 **सन्** ~~200~~

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

10.03.2005: -

Shri Ashish Shrivastava, learned counsel for the applicants.

The applicants have preferred the instant revision as they are aggrieved by the order of 13.12.2002 passed by the Addl. District Judge, Mungeli in Civil Appeal No. 10A/2000 and by which the Court below dismissed the suit of the applicants under Order 15 Rule 3 of C.P.C. by recording a finding that the suit in the absence of clear cause of action is liable to be dismissed under Order 7 Rule 11 of the C.P.C. and the case is not maintainable for want of necessary parties.

Learned counsel for the applicants seeks to withdraw the instant revision with liberty to file appropriate proceedings available under the law on the ground that the revision is not maintainable in view of the amended proviso to Section 115 of the Code of Civil Procedure and the law laid down by the Apex Court reported *in (2003) 6,SCC 659* in the matter *of Shiv Shakti Coop. Housing Society, Nagpur Vs. Swaraj Developers and Others* as well as in the case of *Surya Devi Rai Vs. Ram Chander Rai and Others* reported in *(2003) 6, SCC, 675.*

Accordingly, the revision petition is dismissed as not maintainable with liberty as prayed for.

Sd/-
DHIRENDRA MISHRA
Judge

(पीछे देखिये)